

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Midland Funding LLC,)	CASE NO.: 3:08-cv-01434
)	
Plaintiff,)	JUDGE: DAVID A. KATZ
)	
vs.)	
)	
Andrea Brent,)	
)	
Defendant,)	
)	
vs.)	
)	
Midland Credit Management, Inc.)	
)	
Third-Party Defendant)	
)	

**Plaintiff and Third-Party Defendant's
Motion to File its Motion for Summary Judgment
Under Seal**

Now come Plaintiff, Midland Funding, LLC (“Midland”), and Third-Party Defendant, Midland Credit Management, Inc. (“MCM”), by and through undersigned counsel, and pursuant to Local Rule 5.2, request leave to file their motions for summary judgment, with accompanying exhibits, under seal. In support of this motion, Midland and MCM state the following:

- Local Rule 5.2 requires a party to obtain a court order prior to filing a sealed document – otherwise, “the document will not be filed under seal.”
- On October 7, 2008, this Court signed a Stipulated Protective Order entered into by each party, upon representation that confidential material deserving of protection would likely be exchanged during the course of discovery. Doc. No. 20.
- On December 31, 2008, this Court signed a “Stipulation and Order Concerning Non-Waiver of Certain Attorney-Client Communications,” upon representation that certain material

protected by attorney-client privilege and work-product would likely be exchanged during the course of discovery. Doc. No. 27.

- In response to Defendant Brent's discovery requests, Midland and MCM have provided her material which they have deemed confidential and proprietary, including, among other things, a Purchase-Sale Agreement between Midland and Citibank; internal notes regarding the collection of Brent's account, and the Retainer Agreement between MCM and its present counsel, Javitch, Block, & Rathbone, LLP. In fact, the majority of material that Midland and MCM have provided to Brent has been deemed confidential, without objection.
- Brent has taken the depositions of both MCM and Midland, portions of which have also been deemed confidential pursuant to the above-mentioned Protective Order.
- Dispositive motions for this case are due on February 20, 2009. Doc. No. 24. Both Midland and MCM anticipate filing a Motion for Summary Judgment, pursuant to Fed.R.Civ.P. 56. Upon information and belief, the motions will extensively detail processes, procedures, and agreements, and reference confidential material related thereto, which are, and have been deemed, confidential, proprietary, and/ or subject to certain privileges.

For the foregoing reasons, Midland and MCM request that this Court grant them leave to file their Motions for Summary Judgment, under seal, such that this material protected by Court Order not be inadvertently filed online, for public consumption.

Respectfully Submitted,

/s/ R. Glenn Knirsch
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Certificate of Service

I hereby certify that on February 13, 2009 a copy of the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to the parties, by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ R. Glenn Knirsch

R. Glenn Knirsch, SCR#0080770